

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 108th Congress ¹**

[Date approved: August 27, 2004]²

Bill No. and sponsor: H.R. 4330 (Mr. Baker)

Proponent name, location: Ciba Specialty Chemicals
4200 Geigy Access Road
St. Gabriel, LA 70776-0749

Other bills on product (108th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2007.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

5,5-Bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt and di-[2,2-bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]-3-hydroxypropyl phosphate, ammonium salt and 2,2-bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]-1,3-di-(dihydrogenphosphate)propane, tetraammonium salt (provided for in subheading 3809.92.50)

Check one: ☐ Same as that in bill as introduced
☒ Different from that in bill as introduced (explain differences in Technical comments section)

Product information, including uses/applications and source(s) of imports:

The subject chemical is used in the manufacture of specialty paper products to impart certain oil- and grease-resistant properties to the finished paper/paperboard product. Ciba Specialty Chemicals imports the subject chemical from its affiliated plant in Germany.

¹ Industry analyst preparing report: Eric Land (202-205-3349); Tariff Affairs contact: Dave Beck (202-205-2603).

² Access to an electronic copy of this memorandum is available at <http://www.usitc.gov/billrpts.htm> Access to a paper copy is available at the Commission's Law Library (202-205-3287) or at the Commission's Main Library (202-205-2630).

Estimated effect on customs revenue:

HTS subheading: 3809.92.50					
	2004	2005	2006	2007	2008
Col. 1-General rate of duty (AVE) ^{1/}	6%	6%	6%	6%	6%
Estimated value <i>dutiable</i> imports	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Customs revenue loss	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000

^{1/} The AVE is the ad valorem equivalent of a specific or compound duty rate expressed as a percent, using the most recent import data available.

Source of estimated dutiable import data: Commission estimates.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
Ciba Specialty Chemicals	7/17/04	No	No	No
Clariant Corporation	7/19/04	No	No	No
Dow Chemical	7/19/04	No	No	No
Du Pont Chemical	7/19/04	No	No	No
Solutia	7/19/04	No	No	No

Technical comments:³

The Commission recommends the chemical name in the proposed article description be amended to read

³ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

as follows:

5,5-Bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt and di-[2,2-bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]]-3-hydroxypropyl phosphate, ammonium salt and 2,2-bis[(γ , ω -perfluoro(C_{4-20})alkylthio)methyl]-1,3-di-(dihydrogenphosphate)propane, tetraammonium salt

108TH CONGRESS
2D SESSION

H. R. 4330

To suspend temporarily the duty on 5,5-bis[(y,w-perfluoroC4–20alkylthio)methyl]-2-hydroxy-2-oxo -1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(y,w-perfluoroC4–20alkylthio)methyl]-3-hydroxy propyl phosphate, di-ammonium salt and Di-[2,2-bis[(y,w-perfluoroC4–20alkylthio)methyl]]-3-hydroxy propyl phosphate, ammonium salt and 2,2-bis[(y,w-perfluoroC4–20alkylthio)methyl]-1,3-di-(dihydro genphosphate)-propane, tetra-ammonium salt.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2004

Mr. FORBES introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the duty on 5,5-bis[(y,w-perfluoroC4–20alkylthio)methyl]-2-hydroxy-2-oxo -1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(y,w-perfluoroC4–20alkylthio)methyl]-3-hydroxy propyl phosphate, di-ammonium salt and Di-[2,2-bis[(y,w-perfluoroC4–20alkylthio)methyl]]-3-hydroxy propyl phosphate, ammonium salt and 2,2-bis[(y,w-perfluoroC4–20alkylthio)methyl]-1,3-di-(dihydro genphosphate)-propane, tetra-ammonium salt.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SUSPENSION OF DUTY ON 5,5-BIS[(Y,W-**
2 **PERFLUOROC4-20ALKYLTHIO)METHYL]-2-HY-**
3 **DROXY-2-OXO-1,3,2-DIOXAPHOSPHORINANE,**
4 **AMMONIUM SALT AND 2,2-BIS[(Y,W-**
5 **PERFLUOROC4-20ALKYLTHIO)METHYL]-3-HY-**
6 **DROXY PROPLY PHOSPHATE, DI-AMMONIUM**
7 **SALT AND DI-[2,2-BIS[(Y,W-PERFLUOROC4-**
8 **20ALKYLTHIO)METHYL]]-3-HYDROXY PROPLY**
9 **PHOSPHATE, AMMONIUM SALT AND 2,2-**
10 **BIS[(Y,W-PERFLUOROC4-**
11 **20ALKYLTHIO)METHYL]-1,3-DI-**
12 **(DIHYDROGENPHOSPHATE)-PROPANE,**
13 **TETRA-AMMONIUM SALT.**

14 (a) IN GENERAL.—Subchapter II of chapter 99 of
15 the Harmonized Tariff Schedule of the United States is
16 amended by inserting in numerical sequence the following
17 new heading:

“	9902.38.43	5,5-bis[(y,w-perfluoroC4– 20alkylthio)methyl]-2-hy- droxy-2-oxo-1,3,2- dioxaphosphorinane, ammo- nium salt and 2,2-bis[(y,w- perfluoroC4– 20alkylthio)methyl]-3-hy- droxy proply phosphate, di- ammonium salt and Di-[2,2- bis[(y,w-perfluoroC4– 20alkylthio)methyl]]-3-hy- droxy proply phosphate, am- monium salt and 2,2- bis[(y,w-perfluoroC4– 20alkylthio)methyl]-1,3-di- (dihydrogenphosphate)-pro- pane, tetra-ammonium salt (provided for in subheading 3809.92.50)	Free	No Change	No Change	On or Before 12/31/2007	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

